

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

Brian Whitaker,

**Plaintiff,**

No. 2:22-cv-00103-KJM-CKD

ORDER

V.

Longboard Pier LLC,

Defendant.

17 Plaintiff Brian Whitaker brings this civil rights action against defendant Longboard Pier  
18 LLC under the Americans with Disabilities Act and Unruh Civil Rights Act. *See generally*  
19 Compl., ECF No. 1. The clerk entered default against the defendant on May 24, 2022. Clerk's  
20 Entry of Default, ECF No. 11. Because the defendant has not yet appeared, Whitaker has twice  
21 requested and received a continuance of the pretrial scheduling conference. *See* Min. Order,  
22 ECF No. 12; Min. Order, ECF No. 15. He now requests that the court vacate or continue the  
23 October 6, 2022, Scheduling Conference. Req. to Continue, ECF No. 19. Whitaker explains that  
24 his default judgment briefing is complete and will be filed once the plaintiff's witnesses have  
25 executed their declarations. *Id.*

26 In light of the default entered on May 24, 2022, the two prior continuances, and the  
27 limited time needed for Whitaker to file a motion for default judgment in accordance with Local

1 Rule 302(c)(19), the court **grants the request to vacate the pretrial scheduling conference.**

2 Plaintiff is directed to file the anticipated motion for default judgment by **October 21, 2022.**

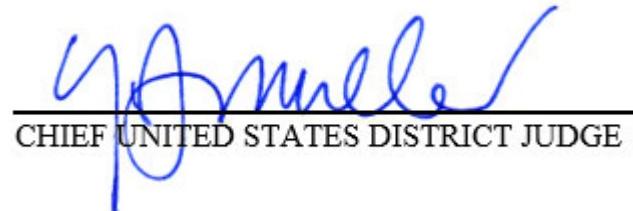
3 This order resolves ECF No. 19.

4 IT IS SO ORDERED.

5 DATED: October 5, 2022.

6

7

  
CHIEF UNITED STATES DISTRICT JUDGE